



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,649	08/26/2003	Chao-Ying Chen	1758-000001/US	2127
30593	7590	10/23/2006	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195			RAO, MANJUNATH N	
			ART UNIT	PAPER NUMBER
			1652	

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER
----------

ART UNIT	PAPER
----------	-------

20061017

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

Applicants' amendments to drawings and the petition under 37 C.F.R. §§1.84(a)(2) and 1.84(b)(2) for entry of color photographs filed on 9-8-06, have been fully considered. The petition for entry of color drawings has been GRANTED.

However, Examiner has discovered a discrepancy in the incorporation of SEQ ID NO for the polynucleotide sequence in figure 4. Figure 4 has now been amended to include the language "incorporating SEQ ID NO: 2" which does not sufficiently address the Sequence Rule requirements. A comparison of SEQ ID NO: 2 and the sequence in figure 4 indicate that they are not one and the same. The nucleotide sequence in figure 4 has additional number of nucleotides not seen in SEQ ID NO: 2. Applicants need to indicate where SEQ ID NO: 2 starts and ends. However, doing so would leave a stretch of nucleotides in Figure 4 without a SEQ ID NO. According to the Sequence Rules, applicants are required to provide appropriate SEQ ID NO to any polynucleotide that is 10 or more nucleotides. Therefore, Examiner suggests that applicants provide a separate SEQ ID NO: for the sequence in figure 4 and file a new sequence listing (paper and electronic versions) with a total of three sequences. Until such time, the allowance of this application will be held in abeyance.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Manjunath N. Rao, Ph.D. whose telephone number is 571-272-0939. The Examiner can normally be reached on 7.00 a.m. to 3.30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Ponnathapura Achutamurthy can be reached on 571-272-0928. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300 for regular communications and for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.

Manjunath N. Rao, Ph.D.  
Primary Examiner  
Art Unit: 1652



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
Chao-Ying CHEN et al  
Serial No. 10/647649  
Filed: August 26, 2003  
For: NOVEL NUCLEIC ACID ENCODING BETA-1,3-GLUCANASE FROM LILY

DECISION ON PETITION

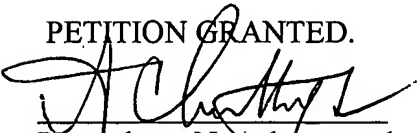
This is a decision on the petition to request acceptance of color drawings under 37 C.F.R. § 1.84(a)(2) filed September 8, 2006.

The petition has been reviewed and is found to be in compliance with the requirements as set forth in 37 C.F.R. § 1.84(a)(2). As explained by the applicant(s) the color drawing is necessary to facilitate understanding of the claimed invention. A black and white copy of the color drawing is enclosed in accordance with § 37 C.F.R. 1.84(a)(2)(iii). The brief description of the drawings section of the specification states

The patent or application file contains at least one drawing executed in color.  
The U.S. Patent and Trademark Office will provide copies of this patent or patent publication with color drawing(s) upon request and payment of the necessary fee.

The required fee for the petition has been paid.

PETITION GRANTED.

  
Ponnathapu N. Achutamurthy  
Supervisory Patent Examiner  
Art Unit 1652.

John A. Castalleno  
HARNESS, DICKY & PIERCE, P.L.C.  
Post Office Box 8910  
Reston, Virginia 20195